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MAILED

MAR 26 2010

OFFICE OF PETITIONS

In re Application of: :
Webler et al. : ON APPLICATION FOR
Application No. 10/025515 : PATENT TERM ADJUSTMENT
Filing or 371(c) Date: 12/18/2001 :
Atty. Docket No.: ACS-60271 (2168P) :

This letter is in response to the "APPLICATION FOR PATENT TERM ADJUSTMENT," filed July 31, 2009. The application for patent term adjustment is properly treated under 37 C.F.R. § 1.705(b).

The request for Reconsideration of patent term adjustment ("PTA") under 37 CFR 1.705(b) is hereby **GRANTED**.

The Office has updated the PAIR screen to reflect that the correct Patent Term Adjustment (PTA) determination at the time of the mailing of the Notice of Allowance is 1015 days. A copy of the updated PAIR screen, showing the correct determination, is enclosed.

On May 4, 2009, the Office mailed the Determination of Patent Term Adjustment under 35 U.S.C. 154(b) in the above-identified application. The Notice stated that the patent term adjustment (PTA) to date is 877 days.

On July 31, 2009, applicant timely submitted the present application for patent term adjustment¹. Applicant requests that the Determination of Patent Term Adjustment be corrected from 877 days, as indicated on the Determination of PTA mailed May 4, 2009, to an adjustment of 1015 days. Applicant asserts that the Office mailed a Restriction Requirement to an incorrect correspondence address, and subsequently re-mailed the restriction requirement to the same incorrect correspondence address; however, applicants filed a timely response to the subsequently mailed Restriction Requirement.

The application history has been reviewed and it has been determined that the initial adjustment of the patent term for Office delay of 534 days, and the reduction of the patent term for

¹ PALM records show that the Issue Fee payment was received in the Office on July 31, 2009.

Applicant delay of 86 days is incorrect. This Office mailed a Restriction Requirement to an incorrect correspondence address on August 5, 2004, and subsequently re-mailed the restriction requirement to the same incorrect correspondence address on November 19, 2004, re-setting the time period for reply. The subsequently mailed Restriction Requirement was 640 days after the date that is fourteen months after the date on which the application was filed under 35 U.S.C. 111(a). Applicants filed a timely response to the subsequently mailed Restriction Requirement, on December 7, 2004.

The correct patent term adjustment at the time of the allowance is **1015 days**. The Office will adjust the PAIR screen to reflect that the PTA determination at the time of mailing of the instant letter reflects an adjustment of 1015 days. A copy of the updated PAIR screen showing the correct determination is enclosed.

In view thereof, at the time of allowance, the application is entitled to an adjustment of 1402 days.

The Office acknowledges submission of the \$200.00 fee set forth in 37 CFR 1.18(e). No additional fees are required.

The application is being forwarded to the Publications Division for issuance of a patent. The patent term adjustment indicated on the patent (as shown on the Issue Notification mailed about three weeks prior to patent issuance) will include any additional adjustment accrued both for Office delay in issuing the patent more than four months after payment of the issue fee and satisfaction of all outstanding requirements, and for the Office taking in excess of three years to issue the patent (to the extent that the three-year period does not overlap with periods already accorded).

Telephone inquiries specific to this matter should be directed to Attorney Derek L. Woods at (571) 272-3232.



Anthony Knight
Supervisor
Office of Petitions

Enclosure: Copy of Adjustment PAIR Calculations

Day : Friday
Date: 3/26/2010

PALM INTRANET

Time: 07:21:02

PTA Calculations for Application: 10/025515

Application Filing Date:	12/18/2001	PTO Delay (PTO):	963
Issue Date of Patent:		Three Years:	0
Pre-Issue Petitions:	0	Applicant Delay (APPL):	86
Post-Issue Petitions:	0	Total PTA (days):	1015
PTO Delay Adjustment:	138		

File Contents History

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EXPLANATION OF PTA CALCULATION

EXPLANATION OF PTE CALCULATION

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